

**MINUTES OF THE REGULAR MEETING OF THE  
SAN MARCOS PLANNING AND ZONING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
October 25, 2011**

**1. Present**

**Commissioners:**

Bucky Couch, Vice Chair  
Sherwood Bishop  
Kenneth Ehlers  
Carter Morris (late time in-6:15)  
Chris Wood  
Curtis Seebeck  
Randy Bryan  
Travis Kelsey

**City Staff:**

Matthew Lewis, Development Services Director  
Francis Serna, Recording Secretary  
Christine Barton-Holmes- Chief Planner  
Sofia Nelson, Chief Planner  
Abigail Gillfillan, Planner  
John Foreman, Planner

**2. Call to Order and a Quorum is Present.**

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Vice-Chair Taylor, 630 E. Hopkins, San Marcos, Texas 78666.

**3. Chairperson's Opening Remarks.**

Vice Chair Couch welcomed the audience.

**4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

**5. Citizen Comment Period**

Brenda Smith stated she has lived at 1610 Old RR 12 since 1981. Ms. Smith spoke in opposition to commercial zoning request. She explained that the Horizons Master Plan indicates that the property is residential. Ms. Smith added that the owner has not made an effort to meet with residents in the area. She felt that there are plenty of vacant commercial properties in San Marcos. She also stated that a six foot fence is not sufficient. She suggested neighborhood commercial. Ms. Smith asked that the request be denied.

Tyler Carlson, 136 Hunter's Glen said he speaks on behalf of all residents on Hunter's Glen. He asked the Commission to follow their own rules. He felt that powerless people are not given the same opportunity as people with power. He stated that the property has flooded and if the dam breaks the homes will also flood. Mr. Carlson pointed out that part of the property is located in the recharge zone. He asked that the Commission make their conclusions based on reality.

Leighton Stallones, 163 Hunters Glen, property owner adjacent to the Windemere Ranch asked the Commission to vote against the Windemere PDD. He explained that the property is unsuitable for several

reasons including traffic, ingress and egress, and flooding of the property. Mr. Stallones stated that there is already a traffic problem. Mr. Stalling gave a brief description of previous floods in the area. Mr. Stalling asked the Commission to deny the request.

Diane Wassenich, 11 Tanglewood, mentioned that ZBOA denied the variance and reprimanded staff for recommending approval of the request. She added that the same lot drawings are coming back before the Commission in a PDD request. Ms. Wassenich informed the Commission that she has received several signatures in opposition to the request. She said there are a lot of people in Hunters Glen that are opposed of the request and are willing to sign the petition. Ms. Wassenich spoke briefly regarding The Retreat development stating she has been working hard trying to find out what is happening with the bulldozed wells. She said that the City does not have procedures in place to plug wells before bulldozing occurs or any dirt has been moved. She added that there is also an issue with the depth of the detention pond. Ms. Wassenich added that it has been very hard to get information from the Planning staff regarding the well. She explained that she has gone to EEA and advised that the City does not have anyone that makes sure that the wells are plugged prior to bulldozing.

### **Consent Agenda**

#### **6. Consider approval of the minutes from the Regular Meeting on October 11, 2011.**

**7. PC-11-37(01) (JR Keith Addition Concept Plat).** Consider a request by Shawn Ash, on behalf of James R. Keith for approval of a waiver of the decision time for a concept plat for approximately 5.4 acres of property located at 203-211 Yale Street and 206 Orchard Street and at the terminus of Yale Street.

**8. PC-11-14(03) (JR Keith Addition-Phase 1).** Consider a request by Shawn Ash, on behalf of James Keith for approval of a waiver of the decision time for a final plat of approximately 1.172 acres of property located at 203-211 Yale Street and 206 Orchard Street.

**9. PC-11-38(03) (Lowman Ranch Subdivision Section 1).** Consider a request by Stephen G. Cook Engineering, Inc., on behalf of Outlet West Investors, Ltd., for approval of a Final Subdivision Plat for approximately 4.09 acres of property located at the intersection of S. IH-35 and Commercial Loop.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission approved on consent the minutes of the Regular Meeting on October 11, 2011; PC-11-37(01); PC-11-14(03) and PC-11-38(03). The motion carried unanimously.

### **Consideration**

**10. LUA-11-15 (Blanco Riverwalk).** Consider a request by Mike Cotter and Vista Del Blanco for a Land Use Map Amendment from Mixed Use (MU) to High-Density Residential (HDR) for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue.

**11. ZC-11-19 (Blanco Riverwalk).** Consider a request by Mike Cotter and Vista Del Blanco for a Zoning Change from Mixed Use (MU) to Multi-Family (MF-24) for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue.

**12. PDD-11-08 (Blanco Riverwalk).** Consider a request by Mike Cotter and Vista Del Blanco for a Planned Development District overlay for approximately 13 acres out of Lot 1, Block C, Blanco Riverwalk Subdivision, located at Riverway Avenue and Cotter Avenue, with a proposed base zoning of MF-24.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Morris, the Commission voted six (6) for and two (2) opposed to approve LUA-11-15; ZC-11-19; and PDD-11-08. The motion carried. Commissioners Bryan and Ehlers voted no.

## **Public Hearing**

**13. CUP-11-16 (Gumby's Pizza and Wings).** Hold a public hearing and consider a request by John Higdon on behalf of Gumby's Pizza and Wings for a Conditional Use Permit to allow the on-premise consumption of alcoholic beverages at 403A N. Guadalupe St.

Vice-Chair Couch opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Ehlers the Commission voted all in favor to approve CUP-11-16 with the condition that the permit be valid for one (1) year, provided standards are met, subject to the point system. The motion carried unanimously.

**14. PVC-11-05 (830 MLK Drive- lot depth to width plat variance).** Hold a public hearing and consider a request by Carlos Hernandez, on behalf of Virgilio Altamirano, for a subdivision plat variance to section 6.7.2.1(j) of the Land Development Code which requires that lot depth shall not exceed three times the lot width for lots platted after March 10, 1975 for a property located at 830 Martin Luther King Drive.

Vice-Chair Couch opened the public hearing. There were no citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone PVC-11-05 to the November 8, 2011 Planning and Zoning Commission meeting. The motion carried unanimously.

**15. ZC-11-32 (1640 Aquarena Springs Dr).** Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Student Housing Association LLC, for a zoning change from General Commercial (GC) to Multi-family-24 (MF-24) for approximately 1.966 acres located at 1640 Aquarena Spring Drive.

Vice-Chair Couch opened the public hearing. Thomas Rhodes, ETR Development Consulting explained they are trying to bring the property into conformance. He advised he was available to answer questions.

**MOTION:** Upon a motion made by Commissioner Seebeck and a second by Commissioner Bishop, the Commission voted seven (7) for and one (1) opposed to approve ZC-11-32. The motion carried. Commissioners Bryan voted no.

**16. LUA-11-21 (1305 Haynes Street).** Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Lumberton Investments, LTD, for a land use map amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 0.21 acre located at 1305 Haynes Street.

**17. ZC-11-33 (1305 Haynes Street).** Hold a public hearing and consider a request by ETR Development Consulting, on behalf of Lumberton Investments, LTD, for a zoning change from Single-Family Residential (SF-6) to Mixed Use (MU) for approximately 0.21 acre located at 1305 Haynes Street.

Vice-Chair Couch opened the public hearing. Scott Morris, 911 Cheatham, said that he has rented the house on Cheatham since 1998 and asked that the Commission to do nothing that would erode the residential quality of the neighborhood. He admitted that parts of the corner of Hopkins and Cheatham are an eye sore and reiterated the plea to preserve the neighborhood.

Ana Mendoza, 1114 Fields, stated that she has been a resident since 1972 and loves her neighborhood. She asked that the Commission deny and zoning change as well the land use amendment explaining that she felt that there would be a domino effect to the neighborhood. She said that the people who bought the property knew that it was in a neighborhood when they purchased it and that the change would bring too much traffic into the neighborhood. She urged the Commission to please save their neighborhood.

Rosemary Zuniga said that she has lived in Rio Vista Neighborhood for 41 years, that there has always been businesses in the neighborhood and that she felt that the zone change was not in the best interest for the neighborhood. She elucidated that she believed the neighborhood cannot handle the traffic the project would bring. She noted that the City has invested millions of dollars to beautify the roads and neighborhood and while the streets are pretty they are not wider.

Bob Grimm, 1144 Sycamore, said that he moved to San Marcos in 1960 and bought a lot on 719 Bugg Lane which has now become a commercial property. He stated that three years ago he wanted to build on it and the City did not approve because it was in a residential neighborhood. He felt that the City was trying to change the rules.

Jane Hughson, 1600 N. LBJ Drive, stated that she was present to speak regarding PDD-11-10, the Windemere case. She suggested the Commission vote "no" on LUA-11-21 and ZC-11-33 to prevent the domino effect within that neighborhood.

Martha Ash, 1129 Cheatham Street, said that she had lived on Cheatham since 2002. She explained that this area was all she could afford and that she loves the neighborhood. She stated that from her back yard she can see the subject property. She was concerned that the neighborhood would lose the family qualities she loves.

Diane Wassenich, 11 Tanglewood, encouraged the Commission not to allow a parking lot to encroach into a neighborhood.

Thomas Rhodes, ETR Development Consulting, explained that ETR Development Consulting brought two lots along the frontage before the Commission two years ago and that his client has owned the subject property since they bought the other two lots along the frontage. Mr. Rhodes explained that the intent was to use a portion of the corner lot as detention. He said that they had redesigned the site and had moved some of the parking around. He explained that they had originally sought to combine the three lots but after sitting with staff it was recommended to keep the subject lot separate and zoned to MU. He said that would allow parking in conjunction with the parking allowed on the remainder of the site. He stated that they are prepared to install a ten foot buffer as well as a six foot fence. He asked the Commission for a favorable consideration and was available to answer questions.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Ehlers the Commission voted all in favor to deny LUA-11-21 and ZC-11-33. The motion carried unanimously.

**18. ZC-11-35 (El Camino Real).** Hold a public hearing and consider a request by Rio Marc Development for a zoning change from DR (Duplex Restricted) to MF-12 (Multi-Family-12) for approximately 12.904 acres located within the 2600 Block of State Highway 123 and part of the Barnett O. Kane Survey.

Vice-Chair Couch opened the public hearing. Chris Carson with Rio Marc Development explained that this property was the last piece of property that is not final platted. He said that the subject property is a continuous problem with its current zoning of DR and pointed out that there are only 4 or 5 pieces of property that are designated DR. Mr. Carson explained the difference between low density DR (six units per acre) and medium density DR (twelve units per acre). He said what they were requesting was to change from medium density DR to Multi-Family-12 which has the same density as medium density DR.

There were no additional citizen comments and the public hearing was closed.

**MOTION:** Upon a motion made by Commissioner Wood and a second by Commissioner Ehlers the Commission voted all in favor to approve ZC-11-35. The motion carried unanimously.

There was a 10 minute intermission.

**19. LUA-11-20 (1620 Old Ranch Road 12).** Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a land use map amendment from Low Density Residential (LDR) to Commercial (C) for approximately 2.119 acres located at 1620 Ranch Road 12.

**20. ZC-11-31 (1620 Old Ranch Road 12).** Hold a public hearing and consider a request by ETR Development Consulting, LLC., on behalf of RF Sowell Jr., for a zoning change from Single Family Residential-6 (SF-6) to Community Commercial (CC) for approximately 2.119 acres located at 1620 Ranch Road 12.

Vice-Chair Couch opened the public hearing. Ed Theriot with ETR Development Consulting, LLC, explained to the Commission that he was there tonight representing the applicant's request. He said that the three other existing corners are currently zoned commercial. He said that they can provide adequate protection to abutting properties and that they support staff's determination.

Diane Wassenich, 11 Tangelwood, said that she lives in the area and is familiar to other three commercial sites which do not abut residential properties. She asked the Commission to think about the real transition as the zoning change would be adjacent to residential property. She felt OP made more sense.

Jane Hughson, 1600 N. LBJ Drive, said that she was interested in property because she has served on the Horizons Master Plan. She does not feel that anyone on that committee would have recommended the subject lot for a commercial lot; the rest of the block is residential. She suggested a much lower level of service which has typical business hours.

Barry James, 1610 RR 12, stated that he lives two doors down but not within 200' notification buffer. He said that the applicant died and the heirs want to sell the property solely with the intent to inflate the property value. He feels that it would be a detriment to property owners. He asked the Commission to deny request.

Camille Philips, Franklin Drive, asked the Commission to deny the request and suggested the zoning change to OP with limited uses and lighting.

**MOTION:** Upon a motion made by Commissioner Bryan and a second by Commissioner Ehlers the Commission voted two (2) in favor and six (6) against to deny LUA-11-20 and ZC-11-31. The motion to deny failed.

**MOTION:** Upon a motion made by Commissioner Bishop and a second by Commissioner Seebeck the Commission voted all in favor to postpone LUA-11-20 and ZC-11-31 to the November Planning and Zoning Commission meeting. The motion carried unanimously.

**21. LUA-11-19 (1311 N. IH-35 Luxury Apartments).** Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a land use map amendment from Commercial (C) to High Density Residential (HDR) for approximately 2.547 acres located at 1311 N. IH-35.

**22. ZC-11-30 (1311 N. IH-35 Luxury Apartment).** Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a zoning change from General Commercial (GC) to Multi-Family-24 (MF-24) for approximately 2.547 acres located at 1311 N. IH-35.

**23. PDD-11-09 (1311 N. IH-35 Luxury Apartment).** Hold a public hearing and discuss a request by ETR Development Consulting, LLC., on behalf of Darren Casey Interests, Inc., for a Planned Development District (PDD) with a base zoning designation of MF-24 for approximately 10.735 acres located at 1311 N. IH-35.

Vice-Chair Couch opened the public hearing. Ed Theriot, ETR Development Consulting, LLC, said that a few months ago came before the Commission for a zoning change. He stated that they have met with staff at many meetings and have proposed a multi-family development which he gave brief overview of. Mr. Theriot felt it will be a model project and asked for the Commission consideration.

There were no additional citizen comments and the public hearing was closed.

The Planning and Zoning Commission will take action on LUA-11-19, ZC-11-30, and PDD-11-09 at the November 8, 2011 meeting.

**24. PDD-11-10 (Lime Kiln Rd- The Preserve at Windemere).** Hold a public hearing and discuss a request by Vigil and Associates, on behalf of Robert L. Haug and Vinson J. Wood, for a Planned Development District (PDD) with a base zoning district of Single Family Rural Residential (SF-R) for approximately 149.14 acres located off of Lime Kiln Road.

Vice-Chair Couch opened the public hearing. Jane Hughson, 1600 N. LBJ Drive, said that she owned 212 acres that adjoins the Windemere property. She stated that she felt there were good aspects to the plan but asked the Commission to deny the request. She also said that she was proud of ZBOA for denying the 125 wide lots. There were no additional citizen comments and the public hearing was closed.

The Planning and Zoning Commission will take action on LUA-11-19, ZC-11-30, and PDD-11-09 at the November 8, 2011 meeting.

**25. Discussion Items.**

**Development Services Report**

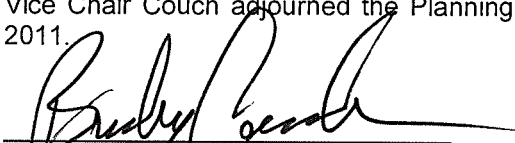
**Commissioners' Report**

**26. Questions and answers from the Press and Public.**

There were no questions from the public.

**27. Adjournment**

Vice Chair Couch adjourned the Planning and Zoning Commission at 8:41 p.m. on Tuesday, October 25, 2011.

  
Bucky Couch, Acting Chair  
Sherwood Bishop, Commissioner  
Kenneth Ehlers, Commissioner  
Curtis Seebeck, Commissioner  
Randy Bryan, Commissioner  
Chris Wood, Commissioner  
Carter Morris, Commissioner  
Travis Kelsey, Commissioner

ATTEST:

  
Francis Serna, Recording Secretary